

United States District Court
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

CRAIG CUNNINGHAM, §
§
Plaintiff, §
§
v. §
§
BIG THINK CAPITAL, INC. *et al.*, § Civil Action No. 4:20-cv-724-ALM-KPJ
§
§
Defendants. §

ORDER OF DISMISSAL

Pending before the Court is Plaintiff Craig Cunningham’s (“Plaintiff”) Notice of Non-Suit Without Prejudice Against All Defendants (Dkt. #26), wherein Plaintiff seeks to dismiss his claims against all Defendants without prejudice.

Federal Rule of Civil Procedure 41(a)(1) provides that a plaintiff may voluntarily dismiss an action without court order in one of two ways: (1) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(i) by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” FED. R. CIV. P. 41(a)(1); or (2) a plaintiff may dismiss an action under Rule 41(a)(1)(A)(ii) by filing “a stipulation of dismissal signed by all parties who have appeared.” *Id.* As such, formal court action is not necessary in this case. However, the Court finds that in the interest of efficiency, justice, and maintaining the clarity of the record, an entry of order of dismissal is appropriate.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED** that this entire action, and all of the claims asserted therein, be **DISMISSED WITHOUT PREJUDICE**. Each party shall bear its own costs.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

IT IS SO ORDERED.

SIGNED this 4th day of May, 2021.



Amos L. Mazzant
AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE